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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,734	06/20/2003	Vernon D. Erickson	P1901US00	7405
7590	05/18/2005		EXAMINER	
SUTTER*WEST PC LLO 14301 FNB PARKWAY SUITE 220 OMAHA, NE 68154			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/600,734	ERICKSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Carlos Lugo	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 February 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6,8-16,18-23,25-28,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6,8-16,18-23,25-28,31 and 32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This Office Action is in response to applicant's amendment filed on February 28, 2005.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:
  - Element 224 is not described in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The specification is objected to because of the following informalities:
  - Paragraph 24 Lines 3 and 4; change "an extension spring 230 biases the mechanism in either a secured or released orientation, when a securing device is removed" to -an extension spring 230 biases the mechanism in a

released orientation, when a securing device is removed- since when the securing device is removed, the spring 230 will bias always the mechanism in a release orientation, never to a secure orientation.

Appropriate correction is required.

#### ***Claim Objections***

4. **Claims 3 and 13 are objected to because of the following informalities:**

- Claim 3 Line 2, change “connected to at least one of the latch or the locking mechanism” to -connected to the latch- since the spring 230 is only connected to the latch 210, not to the locking mechanism 214.
- Claim 13 Line 2, change “connected to at least one of the latch or the locking mechanism” to -connected to the latch-

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. **Claims 1-6,8-16,18-23,25-28,31, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The preamble of claim 1 implies “chassis” as the indented use of the securing mechanism. Then, it is unclear if the applicant is trying to claim a combination or a subcombination since the applicant positively includes the chassis in the body of the

claim. In order to continue with the examination, the examination, the examiner will consider the claim as a combination.

Claims 1,9,18,25, and 32 recite the limitation "a locking mechanism slidably mounted to at least one of the said chassis or the panel". This language, "at least one", is improper because no embodiment disclosed where it is mounted to both.

Also, claims 1, 9,18,25, and 32, fails to provide the necessary structure elements and their cooperative relationship to enable the function of the "wherein" clause to perform.

Claims 8,12,20 and 26 recite the limitation that the latch at least partially secures a component. It is unclear to what component the applicant is referring to since the latch 210 only secures one member, the panel 204 by means of the tab/slot connection 222 and 218, respectively. Therefore, in order to continue with the examination, the claims will be examined as securing the panel.

Claims 6,16,22, and 28 recite the limitation "a securing device is at least one of a screw or a lock". This language, "at least one", is improper because no embodiment disclosed where it is mounted to both.

Claims 13 and 21 recite the limitation "means for biasing connected to at least one of the latch or the locking mechanism". This language, "at least one", is improper because no embodiment disclosed where it is mounted to both.

Claim 23 recites the limitation "a single securing means". It is unclear what constitutes a "single" securing "means". Does this mean only one screw or lock, or does this mean only one "means" which can comprises numerous individual

screws/locks, etc? in order to continue with the examination, the term "single" securing "means" will be treated as one screw or one lock. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1,3,5,6,8,9,11-13,15,16,18,20-23,25-28, and 31 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 6,373,692 to Cheng.

Regarding claims 1,9,18 and 25, Cheng discloses a securing mechanism comprising a panel (1) for adjustably connecting to a chassis (3) substantially along a first side.

A latch (2) is mounted to a second side of the chassis (when the panel is secured to the chassis).

A locking mechanism (4) is slidably mounted to at least one of said chassis or the panel.

Manipulation of the locking mechanism at the first side results in at least one of releasing and securing of the latch.

As to claims 3,13,21 and 27, Cheng discloses that the securing mechanism further comprises means (222) for biasing, connected to the latch.

As to claims 5,6,15,16,22,23 and 28, Cheng discloses a securing device to secure the locking mechanism to the chassis (any structure that maintain the locking mechanism 4 in place with respect to the chassis 3).

As to claims 8,12,20 and 26, Cheng discloses that the latch at least partially secures the panel.

As to claim 31, Cheng discloses that the first and the second side are substantially parallel.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**10. Claims 1,5,6,8,9,12,15,16,18,20,22,23,25,26,28, and 31 are rejected under 35 U.S.C. 102(e)** as being anticipated by US Pat No 6,772,613 to Webb et al (Webb).

Regarding claims 1,9,18 and 25, Webb discloses a securing mechanism comprising a panel (40) for adjustably connecting to a chassis substantially along a first side.

A latch (80) is mounted to a second side of the chassis, substantially opposite the first side, for latching the panel.

A locking mechanism (50) is slidably mounted to at least one of said chassis and the panel.

Manipulation of the locking mechanism at the first side results in at least one of releasing and securing of the latch (when the padlock 50 is removed, a person can move the latch rod 80, Col. 6 Lines 29-37).

As to claims 5,6,15,16,22,23 and 28, Webb discloses a securing device (the body of the padlock) to secure the locking mechanism (the shackle) to the chassis.

As to claims 8,12,20 and 26, Webb discloses that the latch at least partially secures the panel.

As to claim 31, Webb discloses that the first and the second side are substantially parallel.

#### ***Allowable Subject Matter***

**11. Claim 32 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.**

**12. Claims 2,4,10,14, and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.**

#### **Reasons For Allowable Subject Matter**

**13. The following is an examiner's statement of reasons for allowable subject matter:**

Claim 32 is allowable over the prior art of record and claims 2,4,10,14 and 19 presents allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the latch is hingedly connected to the chassis (claims 2,10,19 and 32); that the locking mechanism and the chassis individually includes

corresponding apertures for receiving a securing device (claims 4 and 14); and that the latch is mounted to a second side of the chassis so as to pivotally latch the panel along the second side (claim 32).

As to claims 2,10,19 and 32, Cheng and Webb fail to disclose that the latch is hingedly connected to the chassis. Cheng discloses that the latch (2) is hingedly connected to the panel and Webb discloses that the latch (80) is slidably connected to the chassis.

As to claims 4 and 14, Cheng and Webb fail to disclose that the locking mechanism and the chassis individually includes corresponding apertures for receiving a securing device. Webb discloses that the chassis includes an aperture that receives a securing device (the body of the padlock), however, the locking mechanism (the shackle) does not have an aperture.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Response to Arguments***

14. Applicant's arguments filed on February 28, 2005 have been fully considered but they are not persuasive.

Regarding applicant's arguments that Cheng fails to disclose that the locking member extends substantially from a first side to a second side (Page 12 Line 23),

clearly, Cheng illustrates that the locking member (4) extends from one side toward the other (Figures 4 and 5).

As to applicant's arguments that Cheng fails to disclose that the system allows manipulation from a first side to at least one or secure the latch along the second side (Page 12 Line 27), claim 1 recites that "manipulation of the locking mechanism at the first side results in at least one of releasing and securing of the latch". The lock mechanism presented by Cheng, when manipulated, it will release or secure the latch (2). Therefore, the rejection is maintained.

As to applicant's arguments that Cheng fails to disclose that the panel is hingedly connected to a first side (Page 13 Line 1), Cheng illustrates that the panel (1) hinge about the chassis (Figures 7 and 8).

As to applicant's arguments that Cheng fails to disclose a sliding locking mechanism (Page 13 Line 5), the claim language says, "a locking mechanism slidably mounted" not a "sliding locking mechanism". And Cheng clearly illustrates that the locking mechanism (4) is slidably mounted to the chassis.

As to applicant's arguments that Webb fails to discloses a chassis for containing an electronic device or means for housing a computer (Page 14 Line 4), a recitation with respect to the manner in which an apparatus, the chassis, is intended to be employed does not impose any structural limitation upon the claimed apparatus, which differentiates it from a prior art reference disclosing the structural limitations of the claim.

As to applicant's arguments that Webb fails to disclose that the locking mechanism extends from a first side to a second side and that is mounted to one of the chassis or the panel (Page 14 Line 7), Webb clearly illustrates that the locking mechanism (the shackle of the padlock located at the chassis) extends from a first side towards a second side and that is mounted to the chassis. Therefore, the rejection is maintained.

As to claims 2,4,10,14 and 19, after reviewing the rejection, it was founded that neither Cheng or Webb, disclose the invention presented in those claims, therefore the rejection is withdrawn.

***Conclusion***

**15. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

CC  
Carlos Lugo  
AU 3676

May 5, 2005

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

